REMARKS

This is in response to the office action dated November 20, 2002. Reconsideration is requested.

This application stems from a second Continued Prosecution Application (CPA) request filed on January 31, 2002 along with a four-month extension of time (from a July 30, 2001 Notice Of Appeal). The first CPA application was filed on June 2, 2000. Therefore, the filing date was after May 29, 2000 and the second CPA request filed January 30, 2000 did not meet the qualifications for a CPA. The CPA request should have been automatically converted to a Request for Continued Examination 37 CFR 1.114(b).

A submission (a preliminary response) was filed on February 26, 2002 without any fees, but still within the available five-month extension of time period (and should have been and was considered). The second CPA request gave permission for the Commissioner to charge extension of time fees with respect to the present application to deposit account 02-3285. Therefore, the additional fee for an extension of another month (from four months to five months) should have been charged with respect to the February 26, 2002 submission. It is unclear whether the present invention is being treated as an RCE or a CPA application and

whether the Patent Office has considered the February 26, 2002 Preliminary Response as a timely filed RCE submission. Clarification of the present status of this application is requested.

Despite the uncertainty of the present application, the substantive merits of the November 20, 2002 office action are discusses below.

Claims 1, 3-6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965), Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,282,731).

Claims 10 and 10 are rejected under 35 U.S.C, 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 5,991,394) in view of Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

None of the cited and discloses a call back system including

"a re-dial script, responsive to said call back campaign manager, for directing said telephone number dialer to immediately and continuously redial said telephone number each time said telephone number dialer detects a busy signal after dialing said telephone number", as required by claims 1-7 and 9, as amended. Nor does this cited art disclose or suggest, or a method including the step of "immediately and continuously redialing said telephone number each time said busy signal is detected," as required by claims 10 and 13-14, as amended.

The only references the examiner cites for disclosing a .call back feature to a phone that is busy are Srinivasan and Nichols et al. These references fail to teach or suggest, and in fact teach away from, both continuous and immediate redial each time a busy signal is detected, as required by the claims.

Nichols et al. discloses only three attempts to redial a busy modem line and Srinivasan only discloses periodic call back, and only for a given time period (see Abstract). In contrast to the presently claimed invention, both Nichols et al. and Srinivasan give up call back after a given time period.

Nichols et al. or Srinivasan also do not suggest continuous and immediate call back because they do not have such a need,

mainly because they did not face the same problem solved by the present invention. The present invention solves the problem of how best to connect a telephone call to an inquiring party via a telephone line when the inquiring party has requested the call by accessing a computer network via the same telephone line.

For example, as discussed previously in the February 26, 2002 Preliminary Response, using a computer equipped with a dial-up modem, an inquiring party might visit a company website on the World Wide Web ("World-Wide-Web") and request a company representative to contact him. However, since the inquiring party is currently using the telephone line to access the WWW, it is unavailable for the representative's return call (i.e., the line is busy). The present invention recognizes that the best time to respond to the inquiring party's request is immediately thereafter, and that the inquiring party's telephone line will be busy until he has ended his modem's connection to the network over the telephone line. Accordingly, the systems and methods of the present invention immediately redial the inquiring party's telephone number each time a busy signal is detected so as to contact the inquiring party as soon as he has ended his modem's connection to the network via the telephone line.

Srinivasan has no need for such a continuous and immediate call back because Srinivasan concerns an automatic callback arrangement for automatically returning a call at a specified time. Further, systems and methods of Srinivasan only concern connecting calls to parties who have requested callbacks over the telephone. This is completely different from a request submitted while using a telephone line to connect to a computer network. The user requesting the callback by telephone (as described by Srinivasan) typically would hang-up the phone immediately after requesting the callback making the line immediately available. On the other hand, an inquiring party using a computer connected to a network is very likely to continue using the line to perform additional tasks on the network after requesting a callback. Thus, Srinivasan, did not face or address the problem solved or addressed by the present invention.

Nichols et al. also has no immediate and continuous call back need. Nichols et al. deals with a teleradiology system, where the user is the initialing party, and therefore does not disclose a response (or call back) to an inquiring party (since there is none). Nichols et al. discloses modem redialing in order to allow a user to independently transmit images to a receiving site (see

col. 26, lines 21 et seq.). Since there has been no request, there is no problem or immediate need to contact an inquiring party. The user can simply try later to retransmit the images if the line the modem is dialing is busy.

Thus, as disclosed above and in the Preliminary Response mailed February 26, 2002, the cited art alone or together do not disclose or suggest the presently claimed invention, nor is there any motivation to combine the references in any manner, let alone in a manner that would yield the present invention.

For all the above reasons, clams 1-6, 8-10 and 13-14, as amended, are allowable over the cited references. Allowance of these claims is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**."
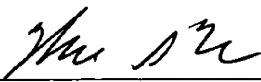
The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,
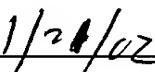

Malcom B. Strandberg

By _____

Howard S. Fuhrman
Registration No. 33,175
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: ___1/2*/02___

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1 and 10 have been amended as follows:

1.   (Thrice Amended)   A system for providing a telephone call back to an inquiring party telephone connected to a telephone line that is being used to access a computer network, wherein said call back is made based upon a request transmitted over said computer network from a data terminal located at a remote location and connected to said computer network using said telephone line, said request including call back data including at least a telephone number of said telephone line, said system comprising:

a computer network interface, connected to said computer network, for interfacing with said computer network and receiving said request over said computer network, for identifying said call back data, and for storing said call back data including said telephone number of said telephone line in a call back file; and

an automated dialer system, responsive to said call back file, said automated dialer system including:

a call back campaign manager, for retrieving said telephone number of said telephone line stored in said call back file;

a call scheduler, responsive to said call back campaign manager, for scheduling said telephone number of said telephone line for immediate dialing;

a telephone number dialer, responsive to said call scheduler, for initiating dialing of said telephone number of said telephone line for immediate dialing, for monitoring a status of said telephone line, and for connecting an answered call between said inquiring party telephone and a telephone of an available agent coupled to said automated dialer system; and

a re-dial script, responsive to said call back campaign manager, for directing said telephone number dialer to immediately and continuously redial said telephone number each time said telephone number dialer detects a busy signal after dialing said telephone number.

10. (Thrice Amended)   A method for providing a telephone call back to an inquiring party telephone connected to a telephone line that is being used to access a computer network, wherein said call back is made based upon a request transmitted over said computer network from a data terminal located at a remote location

and connected to said computer network using said telephone line, said call back request including at least a telephone number of said telephone line, said method comprising the steps of:

receiving said call back request transmitted from said terminal at said remote location;

identifying said telephone number of said telephone line to be dialed;

placing said call telephone number into a call back file;

retrieving telephone number to be dialed from said call back file;

scheduling said telephone number for immediate dialing;

automatically dialing said telephone number scheduled for immediate dialing over a telephone line using an automated dialer system;

monitoring said telephone line to detect a busy signal;

immediately and continuously redialing said telephone number each time said busy signal is detected; and

connecting an answered call between said inquiring party telephone and a telephone of an available agent coupled to said automated dialer system.